

ECF CASE
JUDGE CHIN

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

J & J SPORTS PRODUCTIONS, INC., as
Broadcast Licensee of the **May 5, 2007**
DeLaHoya/Mayweather Program,
Plaintiff,

-against-

ATTORNEY'S AFFIDAVIT OF COSTS AND FEES

Civil Action No. 07-CV-08855
HON. DENNY CHIN

HAROLD C. GRAHAM, Individually, and as officer, director, shareholder and/or principal of REFLECTION BAR & LOUNGE INC. d/b/a REFLECTIONS BAR & LOUNGE a/k/a REFLECTIONS BAR AND GRILL,

and

REFLECTION BAR & LOUNGE INC. d/b/a
REFLECTIONS BAR & LOUNGE a/k/a
REFLECTIONS BAR AND GRILL,

Defendants.

STATE OF NEW YORK :
: SS.:
COUNTY OF ULSTER :

JULIE COHEN LONSTEIN, being duly sworn, deposes and says:

1. That I am the attorney for Plaintiff, J & J Sports Productions, Inc., in the above referenced matter and I am admitted to practice in this Court. I am fully familiar with all the facts, circumstances and proceedings heretofore had herein.

2. I make this affidavit in support of Plaintiff's motion for default judgment and damages, costs and fees.

3. Plaintiff's litigation expenses as associated with the formation, pleading and filing

of the above captioned matter are as outlined below:

- a. Filing Fees - \$350.00
- b. Service of Process - \$200.00
Attached hereto as Exhibit "A," please find invoice from Signal Auditing, Inc., reflecting the cost of service upon the Defendants.
- c. Attorneys Fees - \$781.25
See below

Total Litigation Expenses(\$1331.25)

4. Attorney fees at \$200.00 per hour for attorney time spent and \$75.00 for paralegal time spent are as follows:

<u>Date</u>	<u>Action</u>		<u>(in hours)</u>	<u>Fee</u>
06/07/2007	Factual research and development	.50	\$100.00	Atty
06/08/2007	Claim Letter issued	.25	\$18.75	Para
06/12/2007	TC to Defendant	.12	\$25.00	Atty
10/10/2007	Complaint drafted, Corporate disclosure	.50	\$300.00	Atty
10/10/2007	Complaint sent to Court for Filing	.25	\$18.75	Para
11/01/2007	Arranged Service	.25	\$18.75	Para
11/21/2007	TC from Defendant's Atty	.13	\$25.00	Atty
11/26/2007	Issued Subpoena	.25	\$50.00	Atty
11/26/2007	Demand Letter	.25	\$18.75	Para
12/18/2007	Review Service	.12	\$25.00	Atty
12/18/2007	Filed and mailed Proofs of Service	.25	\$18.75	Para
12/20/2007	Review Ltr from Atty	.13	\$25.00	Atty
12/26/2007	Drafting Request for Default	.50	\$100.00	Atty
12/26/2007	Filed and mailed Request For Default	.50	\$37.50	Para

01/04/2008	Drafted Motion for Default	1.0	\$200.00	Atty
			Hours	Fee
			3.25 Atty	\$650.00
			1.75 Para	\$131.25
			Total	\$781.25

5. As part of its factual research, Plaintiff's Counsel conducted a search of the New York State Division of Alcoholic Beverage Control State Liquor Authority. The results show that Harold C. Graham, is Principal of Reflections Bar Lounge Inc. The Public Query results page is attached hereto, as Exhibit "B".

6. We respectfully request that judgment be entered in favor of Plaintiff and against the Defendants in the manner stated herein.

WHEREFORE, your deponent respectfully requests that this Court in its discretion grant judgment by default under 605(a) on COUNT I of the Plaintiff's complaint against the Defendants jointly and severally as follows:

Against, HAROLD C. GRAHAM, Individually, and as officer, director, shareholder and/or principal of REFLECTION BAR & LOUNGE INC. d/b/a REFLECTIONS BAR & LOUNGE a/k/a REFLECTIONS BAR AND GRILL,

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of SIX HUNDRED SIXTY FIVE DOLLARS AND SIXTY TWO CENTS (\$665.62)

Against, REFLECTION BAR & LOUNGE INC. d/b/a REFLECTIONS BAR & LOUNGE a/k/a REFLECTIONS BAR AND GRILL,

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)

- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of SIX HUNDRED SIXTY FIVE DOLLARS AND SIXTY TWO CENTS (\$665.62)

Dated: January 4, 2008
Ellenville, NY 12428

/s/ Julie Cohen Lonstein
Julie Cohen Lonstein, Esq.
Bar Roll No. JL8512
Lonstein Law Office, P.C.
Attorneys for Plaintiff
1 Terrace Hill; PO Box 351
Ellenville, NY 12428
Telephone: 845-647-8500
Facsimile: 845-647-6277

Sworn to before me this 4TH
day of January 2008

/s/ April Draganchuk
April Draganchuk
Notary Public State of New York
Registration No. 4945872
Residing in Ulster County
My Commission Expires Jan. 27, 2011

Exhibit A



Invoice

1 Terrace Hill
P.O. Box 615
Ellenville, NY 12428

Date	Invoice #
11/26/2007	1166

Bill To
Lonstein Law Office, PC Wayne D Lonstein 1 Terrace Hill P.O. Box 351 Ellenville, NY 12428

Description	Amount
INDIVIDUAL SERVICE J&J v. HAROLD C GRAHAM YOUR FILE #07-4-S13 CV #07-8855	100.00
Total	
	\$100.00

Description	Amount
CORPORATE SERVICE ON SECRETARY OF STATE J&J v. REFLECTION BAR & LOUNGE INC YOUR FILE #07-4-S13V CV#07-8855	100.00
Total	\$100.00

Exhibit B



Eliot Spitzer
Governor



Daniel B. Boyle
Chairman

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Public Query - Results

License Information

Serial Number: 1151148

License Type: ON-PREMISES LIQUOR

License Status: License is Active

Credit Group: 2

Filing Date: 04/23/2004

Effective Date: 07/01/2006

Expiration Date: 06/30/2008

Premises Information

Principal's Name: GRAHAM, HAROLD C

Premises Name: REFLECTION BAR LOUNGE INC

Trade Name:

Zone: 1

Address: 3848 WHITE PLAINS ROAD

221ST STREET & 22ND STREET

BRONX, NY 10466

County: BRONX

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